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Attorneys for Plaintiff
 DAVID MOTON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID MOTON,

Plaintiff,

v.

HANJIN SHIPPING; J.P. SAMARTZIS
 MARITIME ENTERPRISES CO. S.A.,

Defendants.

Case No. 07-01483-SI

**EX PARTE APPLICATION FOR
 ORDER CONTINUING CASE
 MANAGEMENT CONFERENCE
 AND [proposed] ORDER
 THEREON**

Date of Case Conference:
 February 15, 2008
 Time: 2:00 p.m.
 Location:
 Courtroom 10, 19th Floor

COMES NOW plaintiff DAVID MOTON and hereby moves *ex parte* to request a
 continuance of the case conference presently on calendar for February 15, 2008.

APPLICATION

Counsel for plaintiff dismissed former defendant Hanjin Shipping from the case
 based on facts that apparently demonstrate that Hanjin Shipping has no liability in this case.
 In the meantime, counsel for plaintiff named the owner of the vessel, J.P. SAMARTZIS
 MARITIME ENTERPRISES CO. S.A., an entity that resides in Greece. Counsel for
 plaintiff translated the complaint into Greek pursuant to the Hague Convention, and then
 sent it to the Greek Central Authority for service on Defendant J.P. SAMARTZIS
 MARITIME ENTERPRISES CO. S.A. on November 9, 2007.

EX PARTE APPLICATION AND ORDER CONTINUING CASE CONFERENCE

Case No. 07-01483-SI

On February 7, 2007, Jared Washkowitz of Emard Danoff Port Tamulski & Paetzold LLP telephoned counsel for Plaintiff and advised us that Emard Danoff Port Tamulski & Paetzold LLP will be representing Defendant J.P. SAMARTZIS MARITIME ENTERPRISES CO. S.A., and will be filing an answer to the complaint within the next two weeks. We are accordingly respectfully requesting a forty-five day continuance of the case management conference presently set for Friday February 15, 2008 to permit the case to be at issue and give the parties an opportunity to meaningfully meet and confer prior to the conference.

PRIOR CONTINUANCES

There have been a total of three continuances in this case to date. The continuances are attributable to: (a) the difficulty in ascertaining the owner of the vessel on which Plaintiff was injured, and (b) translating the complaint and attempting to serve the Greek defendant. Most recently, Plaintiff made an application to continue the case conference on December 7, 2007 for sixty days, attaching the documents he sent to the Greek Central Authority. This Court granted the December 7, 2007 request on that same date.

BIRNBERG & ASSOCIATES


Dated: February 7, 2008

By: /s/ Cory A. Birnberg
Cory A. Birnberg
Attorneys for Plaintiff

ORDER

Based on the representations made by counsel, the Court hereby orders the case management conference set for February 15, 2008, at 2:00 p.m. be continued to March 28, 2008 at 2:00 p.m. All pre-conference deadlines are continued accordingly.

Dated: February ____, 2008

By: 
Hon. Susan Illston
United States District Judge

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